IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3080 OF 2005

IN

SUIT NO.2518 OF 2005

...

Wyeth Limited ...Plaintiff

v/s.

Nectar Laboratories Ltd. ...Defendant

...

Mr.Chetan Kapadia with Mr.S.H.merchant and Ms.Sophiya M. i/b M & M Legal Venture for the Plaintiff.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 21ST JUNE, 2007

P.C.:

1. This Notice of Motion is taken out by the Plaintiff. Defendant has been served. Defendant is not appearing. No affidavit in reply is filed. By ad-interim order dated 24th October, 2005 Receiver was appointed. Thereafter the Receiver has taken possession of the material and presently the material is lying with the Receiver. The Plaintiff has prayed for sale of the material by the Receiver. The Plaintiff has also asked for return of the material to him. The learned Counsel appearing for the Plaintiff pointed out that if the material is sold, it is not likely to fetch significant amount, because it bears the trade-mark of the Plaintiff and it has been manufactured specially for the Plaintiff. The Plaintiff has filed an affidavit giving the present valuation of the material. It, according to the Plaintiff, is Rs.17,55,189/-.

2. The Defendant, as observed above, is not appearing. No reply is filed. In view of this position and the record, in my opinion, keeping the

material in possession of the Receiver will not serve any useful purpose. Taking overall view of the matter, in my opinion, following order would meet the ends of justice.

. The Receiver appointed by order dated 24th October, 2005 shall hand over the material which is presently in possession of the Receiver to the Plaintiff on as and where is basis, the Receiver shall stand discharged without passing account. Motion disposed of.

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